

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CASSANDRA DAVIS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 3:12-CV-31
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) With Reversal and Remand of the Cause to the Defendant is granted. The Court orders that, upon remand, the Appeals Council will remand the case to an Administrative Law Judge (ALJ) with instructions to obtain updated treatment evidence, obtain psychological and internal consultative examinations, and provide Plaintiff with the opportunity for a new hearing. The ALJ will further be instructed to: evaluate the nature and severity of Plaintiff's mental impairments through application of the special technique set forth at 20 C.F.R. § 416.920a; evaluate the materiality of Plaintiff's drug and/or alcohol abuse; evaluate the medical source opinions of the consultative examiners and state agency consultants, explaining the weight assigned to those opinions; further evaluate Plaintiff's credibility; and further evaluate Plaintiff's residual functional capacity. The ALJ will also be instructed to obtain vocational expert testimony concerning Plaintiff's ability to perform other work, and to verify whether that testimony is consistent with the Dictionary of Occupational Titles. The ALJ will then proceed through the sequential evaluation process and issue a new decision.

Therefore, this Court hereby reverses the Commissioner's decision under sentence four

of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED.

Signed: August 23, 2012

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

